

ORDINANCE NO. 99-40

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 28 OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 92-15, AS AMENDED); PERTAINING TO DISCHARGE OF FIREARMS AND FIREARM SALES IN PALM BEACH COUNTY; PROVIDING FOR A MANDATORY WAITING PERIOD; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 5 of the Constitution of the State of Florida, authorizes a county to require a mandatory five-day waiting period, excluding weekends and legal holidays, in connection with all firearm sales within such county; and

WHEREAS, the Board of County Commissioners adopted Ordinance 99-5, amending Ordinance 92-15, to provide for a mandatory three-day waiting period in connection with handgun sales; and

WHEREAS, the Board of County Commissioners has determined that increasing the mandatory waiting period in connection with all firearm sales to five days is necessary for the protection of the public health, safety and general welfare of all the citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1.

Section 28-3 of the Palm Beach County Code (Section 3 of Ordinance 99-5) is hereby amended to read:

Sec. 28-3. Mandatory waiting period; Criminal history records check requirement.

(a) No person shall deliver a ~~handgun~~ firearm to another person, other than a licensed dealer, licensed manufacturer or licensed importer, in connection with the sale, as defined in Section 28-1, of such ~~handgun~~ firearm for a period of ~~three~~ five business days from the date of the sale.

(b) No person shall deliver a firearm to another person, other than a licensed dealer, licensed manufacturer or licensed importer, in connection with the sale, as defined in Section

28-1, of such firearm until the seller, either directly or through a licensed dealer, licensed manufacturer or licensed importer, has:

- (1) requested a national criminal history records check of the potential purchaser or transferee of the firearm from FDLE or NICS, and
- (2) received an approval/identification number from FDLE or NICS signifying the potential purchaser or transferee of the firearm would not be prohibited by state or federal law from receiving or possessing a firearm.
- (c) The provisions of this section shall not apply to holders of a concealed weapons permit issued pursuant to general law of the State of Florida when purchasing a firearm.

SECTION 2. APPLICABILITY

This Ordinance shall be applicable in both the unincorporated and incorporated areas of Palm Beach County, Florida, to the extent permitted by law.

SECTION 3. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

SECTION 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 6. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

1 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County.
2 Florida, on this the 28th day of September, 1999.

3
4 PALM BEACH COUNTY, FLORIDA, BY ITS
5 BOARD OF COUNTY COMMISSIONERS

6 By: Maudie Ford Lee
7 Chair

8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

DOROTHY H. WILKEN, CLERK
Board of County Commissioners

By: Deborah Dutton
DEPUTY CLERK

10 By: Rama Bube
11 County Attorney



12 EFFECTIVE DATE: Filed with the Department of State on the 7th day of October

13 1999.

14 G:\COMMON\ATTY\WPDATA\ENVIR\LBEEBE\CONSTITU\gunamend.ord.wpd

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/28/99
DATED at West Palm Beach, FL on 10/14/99.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.